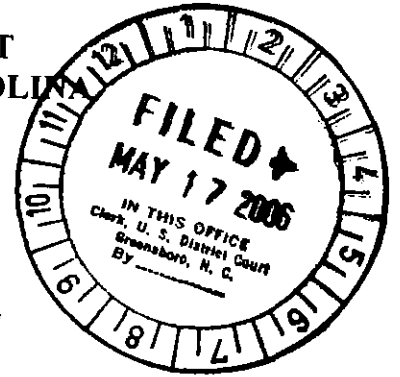


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



GABRIEL GERAUD HENDERSON,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

1:06CV00237
1:99CR338-1

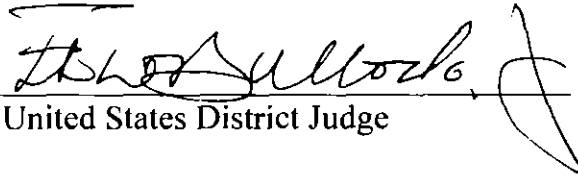
O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on March 14, 2006, was served on the parties in this action. On March 29, 2006, Petitioner filed a premature “notice of appeal” which the Court will treat as objections to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge’s report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge’s report. The court therefore adopts the Magistrate Judge’s recommendation.

IT IS THEREFORE ORDERED that Petitioner’s “affidavit to grant defendant motion to compel specific performance” [Pleading No. 1] be construed as an attempt by Petitioner to file a § 2255 action and be dismissed without prejudice to Petitioner filing a new

action on the proper forms. A judgment dismissing this action will be entered contemporaneously with this Order.



United States District Judge

Date: May 17, 2006